



Senate

General Assembly

File No. 218

February Session, 2014

Substitute Senate Bill No. 70

Senate, April 1, 2014

The Committee on Environment reported through SEN. MEYER of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE GRANT OF PROPERTY INTERESTS IN PROPERTY HELD BY THE DEPARTMENTS OF AGRICULTURE AND ENERGY AND ENVIRONMENTAL PROTECTION AND THE ESTABLISHMENT OF A PUBLIC USE AND BENEFIT LAND REGISTRY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) Prior to the conveyance of
2 any property interest in any parcel of property owned or under the
3 custody and control of the Department of Agriculture or the
4 Department of Energy and Environmental Protection, except a
5 temporary easement granted to another state agency, the
6 Commissioner of Agriculture or the Commissioner of Energy and
7 Environmental Protection, as applicable, shall submit such proposed
8 conveyance to the joint standing committee of the General Assembly
9 having cognizance of matters relating to the environment. The
10 Commissioner of Agriculture or the Commissioner of Energy and
11 Environmental Protection, as applicable, shall request approval of such
12 conveyance by said joint standing committee. Said committee shall
13 have not more than forty-five days from the date such request is

14 received to convene a public hearing on the proposed conveyance. Not
15 later than thirty days after such public hearing, said committee may
16 convene a meeting to vote to approve or disapprove such conveyance,
17 or notify the applicable commissioner, in writing, that said committee
18 is waiving its right to convene a meeting. If such request is withdrawn,
19 altered, amended or otherwise changed, the applicable commissioner
20 shall resubmit such request, and said committee shall have not more
21 than forty-five days from the date of such resubmittal to convene a
22 public hearing on such resubmittal and not more than thirty days
23 following such hearing to convene a meeting to vote to approve or
24 disapprove such action, or notify the applicable commissioner, in
25 writing, that it is waiving its right to convene a meeting. If said
26 committee does not act on a request or the resubmittal of a request, as
27 the case may be, within such applicable seventy-five-day period, the
28 request shall be deemed to be approved by said committee.

29 Sec. 2. (NEW) (*Effective from passage*) The Commissioner of Energy
30 and Environmental Protection may designate lands owned by the
31 Department of Energy and Environmental Protection as lands of
32 public use and benefit. For the purposes of this section and section 23-8
33 of the general statutes, as amended by this act, "lands of public use and
34 benefit" means land that is used for conservation purposes, public
35 enjoyment purposes, recreational purposes or any activity associated
36 with improving or maintaining such conservation, public enjoyment or
37 recreational purposes.

38 Sec. 3. Subsection (e) of section 23-8 of the general statutes is
39 repealed and the following is substituted in lieu thereof (*Effective from*
40 *passage*):

41 (e) To further the efforts to preserve open space in the state and to
42 help realize the goals established in subsection (b) of this section, on or
43 before [October 1, 2014] January 1, 2015, the Commissioner of Energy
44 and Environmental Protection shall establish a publicly accessible
45 geographic information map system and database that contains a
46 public use and benefit land registry that is capable of providing, at a

47 minimum, the following information for lands owned by the
 48 Department of Energy and Environmental Protection, other state
 49 agencies, municipalities, land conservation organizations and water
 50 companies: (1) The location and ownership information for such lands,
 51 (2) categorizations for any such lands that are based on the use and
 52 level of protection applicable to such lands, (3) information data sheets
 53 for such lands that include any applicable deed, easement, land
 54 survey, maps and data for each parcel that constitutes such lands, and
 55 (4) whenever available, management and stewardship plans for such
 56 lands. In establishing such registry, the commissioner, in consultation
 57 with each state agency, shall identify lands owned by the state that are
 58 in the custody of each state agency and that are valuable for
 59 conservation purposes or that are lands of public use and benefit. Said
 60 commissioner shall consult with the Commissioner of Public Health
 61 about any lands owned by the state that are identified as water supply
 62 lands. The Commissioner of Energy and Environmental Protection
 63 shall make such public use and benefit land registry available on the
 64 department's Internet web site not later than January 1, 2015. Not later
 65 than January 1, 2015, such public use and benefit land registry shall
 66 include the minimum information required pursuant to this subsection
 67 for three state parks, as selected by the commissioner. On and after
 68 January 1, 2015, the commissioner shall update such public use and
 69 benefit land registry on a quarterly basis until such registry contains
 70 the minimum information required by this subsection for an additional
 71 ten state parks.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	23-8(e)

ENV *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 15 \$	FY 16 \$
Various State Agencies	GF - Potential Cost	Less than 1,000	Less than 1,000
Department of Energy and Environmental Protection	GF - Cost	6,760	None

Municipal Impact: None

Explanation

The bill requires the Department of Energy and Environmental Protection (DEEP) to establish, by January 1, 2015, a publicly accessible geographic information system (GIS) and database including a public use and benefit land registry identifying certain information for three state parks. Also, the agency must update the registry quarterly until 10 more state parks are included.

It is anticipated that DEEP would hire a Seasonal Research Assistant (at a six-month cost of \$13 per hour for 20 hours per week, totaling \$6,760 in FY 15) to collect data and scan hardcopy maps for inclusion into the databases. It is anticipated that data collection for 320 acres is required for each state park.

The bill also requires that before conveying a property interest in land owned by, or under the custody and control of, the Department of Agriculture (DoAg) or DEEP, the respective commissioner must submit the proposal to, and seek approval from, the Environment Committee. In the event that a committee meeting occurs when the legislature is not in session, there may be a cost of less than \$1,000 in FY 15 to those agencies participating to reimburse legislators and

agency staff for mileage expenses.

The Out Years

There are no annualized ongoing fiscal impacts as the cost is in FY 15 only.

OLR Bill Analysis**sSB 70*****AN ACT CONCERNING THE GRANT OF PROPERTY INTERESTS IN PROPERTY HELD BY THE DEPARTMENTS OF AGRICULTURE AND ENERGY AND ENVIRONMENTAL PROTECTION AND THE ESTABLISHMENT OF A PUBLIC USE AND BENEFIT LAND REGISTRY.*****SUMMARY:**

This bill generally requires that proposals to convey an interest in Department of Agriculture (DoAg)- or Department of Energy and Environmental Protection (DEEP)-owned or -controlled land be submitted to the Environment Committee for approval. The committee must hold a public hearing on a proposed conveyance. It may hold a meeting to approve the conveyance, but inaction is considered approval.

The bill also authorizes the DEEP commissioner to designate department-owned lands as “lands of public use and benefit,” which includes land used for conservation, public enjoyment, or recreational purposes, or activities to improve or maintain these purposes. It requires him to establish, by January 1, 2015, a publicly accessible geographic information map system and database that has a public use and benefit land registry. The registry must be able to provide identifying information on land owned by DEEP, other state agencies, municipalities, land conservation organizations, and water companies. By the same January 1 deadline, the commissioner must make the registry available on DEEP’s website and include the identifying information for three state parks he selects. He must update the registry quarterly until 10 more state parks (a total of 13) are included.

EFFECTIVE DATE: Upon passage

ENVIRONMENT COMMITTEE APPROVAL

Under the bill, before conveying a property interest in land owned by, or under the custody and control of, DoAg or DEEP, the applicable commissioner must submit the proposal to, and seek approval from, the Environment Committee. This requirement does not apply to temporary easements granted to other state agencies nor would it apply to property conveyed by an act of the General Assembly (see BACKGROUND).

The bill requires the committee to hold a public hearing on a proposed conveyance within 45 days after receiving the proposal. It allows the committee, within 30 days after the hearing, to (1) hold a meeting to vote on the proposal or (2) notify the appropriate commissioner, in writing, that it is waiving its right to hold a meeting.

If the commissioner withdraws, alters, amends, or changes his request, he must resubmit it to the committee. The resubmittal resets the 45- and 30-day deadlines to conduct the public hearing and hold, or waive the right to, the committee meeting.

If the committee fails to act on an original submittal or a resubmittal within the 75-day periods described above, the request is deemed approved.

PUBLIC USE AND BENEFIT LAND REGISTRY

Required information

The bill requires the registry to be capable of providing at least the following information:

1. the land's location and owner;
2. any applicable land categorizations that are based on the land's use and level of protection;
3. information data sheets with any applicable deed, easement, survey, map, and data for each parcel comprising the land; and
4. any available management and stewardship plans.

In establishing the registry, the commissioner must consult with all state agencies to identify state-owned lands that are of public use and benefit. It is unclear how he would obtain information on such lands that are held by other entities (e.g., municipalities).

Under current law, the commissioner must, by October 1, 2014, (1) identify other state agencies' lands that are valuable for conservation purposes and (2) consult with the public health commissioner about any state-owned lands identified as water supply lands. The bill eliminates this deadline and instead requires him to perform these tasks as part of establishing the public use and benefit land registry. Under the bill, he must establish the registry by January 1, 2015.

BACKGROUND

Conveyances by the General Assembly

The General Assembly annually enacts legislation requiring certain agencies (often including DEEP and DoAg) to convey state property to various recipients, such as municipalities. These acts typically require the agencies to convey the property notwithstanding any provision of the general statutes. Property conveyed in this manner would not be subject to the bill's requirements.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 28 Nay 0 (03/17/2014)